

19-710 SICK LEAVE

SCOPE AND PURPOSE

This Regulation governs the sick leave policies for employees in full-time equivalent (FTE) positions.

19-710.01 ELIGIBILITY

Sick leave shall be earned by and granted to:

- A. Full-time employees in FTE positions, and
- A. Part-time employees in FTE positions who are:
 - 1. Scheduled to work at least one-half the workweek of the agency on a 12 month basis, or
 - 2. Scheduled to work the equivalent of one-half of the workweek during the full school or academic year of nine months or more.

19-710.02 SICK LEAVE EARNINGS

A. Computation

- 1. Employees who are in pay status for at least one-half or more of the workdays of the month shall earn sick leave for the full month. If they are in pay status for less than one-half the workdays, they shall earn no sick leave.
- 2. Employees shall earn sick leave while on sick leave, annual leave, or other authorized leave with pay. Employees shall not earn sick leave while on leave without pay.
- 3. Employees' sick leave earnings are computed based on the number of hours in the employee's workday.

B. Rate of Earnings

- 1. Five-Day Workweek Schedule of 37.5 or 40 Hours Per Week

All employees in FTE positions shall earn sick leave beginning with the date of employment at the rate of 1¼ workdays per month of service or 15 days per year. To determine the number of hours in a workday, divide the total number of hours an employee is regularly scheduled to work during a week by five (regardless of the number of days the employee actually reported to work).

- 2. Schedules Other Than a Five-Day Workweek of 37.5 or 40 Hours Per Week

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To calculate the sick leave earnings for employees working schedules other than a five-day workweek of 37.5 or 40 hours per week (including part-time, variable, and nonstandard work schedules), the agency must determine what a workday is for each such employee. To determine the number of hours in a workday, divide the total number of hours an employee is regularly scheduled to work during a week by five (regardless of the number of days the employee actually reported to work). Examples of such schedules could include:

- a. Law enforcement employees who are regularly scheduled to work 43 hours per week. Forty-three hours divided by five equals a workday of 8.6 hours;
- b. Fire protection employees who are regularly scheduled to work 53 hours per week. Fifty-three hours divided by five equals a workday of 10.6 hours;
- c. Part-time employees who are regularly scheduled to work 20 hours per week. Twenty hours divided by five equals a workday of four hours; or
- d. Full-time employees who are regularly scheduled to work 39 hours per week. Thirty-nine hours divided by five equals a workday of 7.8 hours.

C. Maximum Accrual and Carryover

Full-time and part-time employees in FTE positions shall be permitted to earn up to 195 work~~(days)~~. Full-time and part-time employees in FTE positions shall carryover from one calendar year to the next any unused earned sick leave up to a total maximum carryover of 180 workdays.

Exceptions

1. Any employee, who prior to January 1, 1969, earned and carried over unused sick leave in excess of 180 workdays pursuant to the agency's policy existing at the time, shall not forfeit the excess, but shall retain such excess leave which shall become the maximum amount the employee may carryover into future years. If the employee subsequently reduces the amount of sick leave carried over to 180 workdays or less, 180 workdays shall become the maximum amount of unused sick leave the employee may thereafter carryover; or
2. An employee who changes from being full-time to part-time or from part-time to full-time, without a break in service, shall retain the sick leave hours previously earned. If this change results in the employee having a maximum accumulation in excess of 180 workdays, as of the effective date of the change, the employee shall not forfeit the excess. The employee shall retain this excess leave which shall be the maximum amount the employee may carryover into future years. If the employee subsequently reduces the amount of such leave carried over, the reduced amount, if in excess of 180 workdays, shall become the employee's maximum carryover into future years. If

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the employee further reduces the amount of such leave carried over to 180 workdays or less, 180 workdays shall become the maximum amount of unused sick leave the employee may thereafter carryover. During the calendar year, an employee may earn sick leave in excess of 180 workdays; however, an employee may only carry over 180 days into the next year.

19-710.03 ADDITIONAL SICK LEAVE MAY BE GRANTED

- A. An agency may advance up to 15 workdays of additional sick leave to an employee in extenuating circumstances.
- B. The agency may advance this leave only upon written verification from a health care practitioner that the employee is expected to return to work within that period of time.
- C. Upon return to work, the employee will have all earned sick leave applied to the leave deficit at the rate of 1¼ days per month (or if part-time, the monthly earning rate) until the deficit has been eliminated.

19-710.04 USING AND SCHEDULING SICK LEAVE

- A. Leave taken under this Section may qualify as Family and Medical Leave Act (FMLA) leave and, if so, will run concurrently.
- B. Reasons an employee shall be allowed to use sick leave are as follows:
 - 1. Personal illness or injury that incapacitates the employee to perform duties of the position;
 - 2. Exposure to a contagious disease such that presence on duty could endanger the health of fellow employees;
 - 3. Appointment for medical or dental examination or treatment when such appointment cannot reasonably be scheduled during nonwork hours;
[Note: if possible, examination appointments must be approved in advance by the agency designee.]
 - 4. Sickness during pregnancy or other temporary disabilities;
[Note: If possible, the date on which sick leave for disability is to begin shall be at the request of the employee based on the determination and advice of a health care practitioner.]
 - 5. Treatment for alcoholism;
[Note: In accordance with § 8-11-110 of the South Carolina Code of Laws which recognizes alcoholism as a treatable illness, sick leave will be granted for the purpose of participating in public and private treatment and rehabilitation programs which have been approved by the South Carolina Department of Mental Health.]

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6. Caring for ill members of immediate family;

[Note: Employees earning sick leave as provided in Section 19-710 may not use more than ten days of sick leave annually to care for ill members of their immediate families. For purposes of this section, the employee's "immediate family" means the employee's spouse and children and the following relations to the employee or the spouse of the employee: mother, father, brother, sister, grandparent, legal guardian, and grandchildren.]

7. Caring for an adoptive child;

[Note: An adoptive parent who is employed by this State, its departments, agencies, or institutions may use up to six weeks of his earned sick leave to take time off for purposes of caring for the child after placement. The agency shall not penalize an employee for requesting or obtaining time off according to this Section. The leave authorized by this Section may be requested by the employee only if the employee is the person who is primarily responsible for furnishing the care and nurture of the child.]

C. Verification

The use of sick leave shall be subject to verification. The agency designee may, before approving the use of sick leave, require the certificate of a health care practitioner verifying the need for sick leave and giving the inclusive dates.

D. Increments for Use of Sick Leave

Use of sick leave shall be calculated at either the actual time or in quarter hour increments.

E. Use of Sick Leave Before Going on Leave Without Pay

In qualifying sick leave situations, the employee shall use all sick leave before going on leave without pay unless the agency head or his designee grants an exception at the employee's request.

F. Holiday During Sick Leave

When a holiday is observed by the agency while an employee uses sick leave, the day shall be considered a holiday, not a day of sick leave for the employee.

19-710.05 TRANSFER

A. Between State Agencies

An employee who transfers without a break in service from one State agency to another shall transfer his earned sick leave. Any transferred sick leave shall be adjusted to the

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scheduled workweek of the receiving agency. In the case of an employee transferring from an agency under whose system the employee has, prior to January 1, 1969, a maximum accumulation in excess of that currently authorized by the receiving agency, the total sick leave balance shall be transferred. If the employee subsequently reduces the amount of sick leave carried over to 180 workdays or less, 180 workdays shall become the maximum amount of unused sick leave the employee may thereafter carryover.

B. Between A State Agency and School District

An employee of a State agency transferring to a school district of the State or a school district employee transferring to a State agency is permitted to transfer to and retain at his new employer all sick leave he earned at his former employer regardless of his employment status at the new employer.

19-710.06 SEPARATION FROM EMPLOYMENT

Upon separation from employment, an employee shall forfeit all earned sick leave.

- A. Retirement - An employee shall receive service credit for no more than 90 days of his unused sick leave at no cost to the employee. The leave must be credited at a rate where 20 days of unused sick leave equals one month of service. This additional service credit may not be used to qualify for retirement.
- B. Reduction in Force Rights - An employee who is reinstated within one year of the date of separation shall have his sick leave restored. (*Refer to Section 19-719.04 B. 4. d.*)
- C. Up to Six Month Exception to Break in Service - An employee who has received prior approval for an extension to the 15-day break in service shall have his sick leave restored if transferred or appointed to another FTE position within the approved time period. (*Refer to Section 19-719.01 B. 2. (Exception).*)

19-710.07 RECORDS

- A. The agency shall maintain all sick leave records for each employee eligible for sick leave. Such records must include at least the following:
 - 1. The number of sick leave hours earned and used during the current calendar year;
 - 2. The number of sick leave hours carried forward from the previous calendar year, but not exceeding the maximum accrual authorized; and
 - 3. The number of hours in the employee's workweek and workday.

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- B. Sick leave records shall be reviewed by or reported in writing to the employee no less than once per calendar year and be supported by individual leave forms signed by the employee and the agency designee.